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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,112	07/24/2003	David L. Rice	1676 3002.002	3757

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EXAMINER

STRIMBU, GREGORY J

ART UNIT PAPER NUMBER

3634

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,112

Applicant(s)

RICE ET AL.

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/24/03</u> . | 6) <input type="checkbox"/> Other: ____. |

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because "is provided" on line 1 can be easily implied and therefore should be deleted. Additionally, "connected to and end" on line 9 appears to be a typographical error. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

Claims 1-8 and 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "a handle end and a linkage end" on line 7 of claim 1 render the claims indefinite because it is unclear what element of the invention includes the ends to which the applicant is referring. Recitations such as "first and second rollers" on line 1 of claim 4 render the claims indefinite because it is unclear if the first and second

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rollers are in addition to the at least one roller set forth above or if the first and second rollers include the at least one roller set forth above. Recitations such as "the handle end" on line 19 of claim 12 render the claims indefinite because they lack antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Jakeway.

Jakeway discloses a door latch for a door including a housing 15, a latch bolt 6, an actuator arm 23 and a linkage 26 interconnecting the actuator arm and the latch bolt, and at least one roller 13 above the latch bolt and at least one roller 13 below the latch bolt.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Grody. Clark discloses a door latch including a latch bolt 4 for sliding movement between an extended latched position and a retracted unlatched position, a linkage 10 interconnecting a handle (not shown) and the latch bolt to transmit movement between the handle and the latch bolt, the linkage including a first end (not numbered, but shown in figure 1) pivotally connected to the latch bolt and a second end (not shown), a spring 37. Clark is silent concerning the particulars of the handle operating system.

However, Grody discloses a door latch including a housing 60, a latch bolt 34 supported on the housing, an actuator arm 32 supported on the housing for moving the latch bolt between the latched and unlatched positions, the actuator arm extending between a handle end 54 and a linkage end 38, and a pivot pin 50 supported on the housing and extending through the actuator arm at a point spaced away from the linkage end whereby the actuator arm will move the latch bolt to the unlatched position with movement of the handle end in either a clockwise or counterclockwise direction about the pivot pin, a stabilizing flange 70 and a dust cover 16.

It would have been obvious to one of ordinary skill in the art to provide Clark with a handle operating system, as taught by Grody, to increase the ease with which the door latch can be operated.

Claims 3, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Grody as applied to claims 1, 2, 7 and 8 above, and further in view

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of Jakeway. Jakeway discloses a door latch comprising a latch bolt 6 guided by rollers 13.

It would have been obvious to one of ordinary skill in the art to provide Clark, as modified above, with rollers, as taught by Jakeway, to reduce the amount of friction generated by the movement of the latch bolt.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jakeway as applied to claim 9 above. Jakeway is silent concerning third and fourth rollers. However, it would have been obvious to one of ordinary skill in the art to provide the latch bolt with third and fourth rollers to further reduce the friction caused by the movement of the latch bolt since it has been held that the mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Cody as applied to claims 1, 2, 7 and 8 above, and further in view of Westerman. Clark, as modified above, is silent concerning a top receiver hole.

However, Westerman discloses a vertically sliding door assembly including a lower receiver hole, as shown in figure 3, and an upper receiver hole, as shown in figure 2.

It would have been obvious to one of ordinary skill in the art to provide Clark, as modified above, with an upper receiver hole, to enable a user to lock the door in an open position.

Allowable Subject Matter

Claim 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, absent applicant's own disclosure, fails to teach the entire combination of elements set forth in the claimed invention. Specifically, the prior art of record fails to teach the spring mechanism including a washer disposed on the pivot pin, a first torsion spring disposed on one side of the washer, and a second torsion spring disposed on the other side of the washer, each spring having a first end contacting the washer and a second end contacting the actuator arm. See claim 5, lines 1-5.

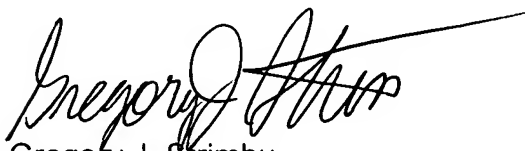
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Boyles, Wolf et al., Moler, Speed et al., Wojciechowski, Hope, Pastva, Biro, Horgan and Switzgale are cited for disclosing a door latch mechanism.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory J. Strimbu
Primary Examiner
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September 15, 2004